

executed via breaking through an exterior wall; city might be liable, under Minnesota state constitution, for compensable "taking" of property if building owners were innocent third parties with no involvement in the criminal activity in their building. *McGovern v. City of Minneapolis*, 480 N.W.2d 121 (Minn. App. 1992).

237:142 Police officers who invited private security guard to accompany them during execution of search warrant were not entitled to summary judgment in homeowner's civil rights suit over guard's search for items not specified in search warrant. *Bills v. Aseltine*, 958 F.2d 697 (6th Cir. 1992).

238:158 Officers had "arguable" probable cause to obtain search warrants for two houses based on three children's "explicit" and "detailed" descriptions of alleged satanic ritual sexual abuse occurring there; defendant officers were entitled to qualified immunity. *Lowe v. Aldridge*, 958 F.2d 1565 (11th Cir. 1992).

239:171 Mississippi deputies who obtained search warrant but did not participate in search were entitled to qualified public official immunity from liability for damages allegedly occurring during search; deputies who executed warrant were not entitled to such immunity. *Barrett v. Miller*, 599 So. 2d 559 (Miss. 1992).

#### SEARCH AND SEIZURE: LAND

231:46 Sheriff and deputy were not entitled to qualified immunity for alleged warrantless digging up of pasture in search for murder victim's body; "open fields" doctrine did not apply to search of land below surface. *Husband v. Bryan*, 946 F.2d 27 (5th Cir. 1991).

#### SEARCH AND SEIZURE: PERSON

236:125 City's alleged policy of allowing male officers to do pat-down searches of females suspected of misdemeanors did not violate female's constitutional rights; even if officer in this case did touch female's breast, thigh, and genitals, a single incident of misconduct would not establish municipal liability. *Martin v. Swift*, 781 F. Supp. 1250 (E.D.Mich. 1992).

229:13 City liable for \$2,500 for police officer's unreasonable use of force to get motorist to give blood sample after he was stopped for DUI; Fourth Amendment standard, rather than due process "shocks the conscience" standard applies. *Hammer v. Gross*, 932 F.2d 824 (9th Cir.), cert. denied, *Newport Beach, Calif. v. Hammer*, 112 S. Ct. 582 (1991).

#### SEXUAL ASSAULT

239:172 City liable for \$200,000 for officer's sexual assault and false arrest of female auto passenger; city had knowledge of officer's propensity for violence and failed to take preventative action. *Parrish v. Luckie*, 963 F.2d 201 (8th Cir. 1992).

#### STRIP SEARCH

235:109 Strip and body cavity searches of detainees can not be conducted merely on the basis of reasonable suspicion of possession of ordinary stolen property. *Fuller v. M.G. Jewelry*, 950 F.2d 1437 (9th Cir. 1991).

239:173 Federal appeals court upholds

reasonableness of strip search of non-felony juvenile detainee in custody based on reasonable suspicion that juvenile was concealing a weapon or contraband. *Justice v. City of Peacetree City*, 961 F.2d 188 (11th Cir. 1992).

239:174 Officers were not entitled to qualified immunity for strip search of 17 year-old female truck passenger, conducted after investigatory stop revealed that suspected drug dealer was not in the truck, removing grounds for further detention of truck occupants. *Timberlake v. Benton*, 786 F. Supp. 676 (M.D. Tenn. 1992).

### INDEX OF CASES CITED

- Abbott v. Morris*, U.S. Dist. Ct., S.D. Miss., No. S88-044(G), Apr. 5, 1991, 34 ATLA L. Rep. 250 (Sept. 1991).[24]  
*Adams v. Lindsey*, 759 F. Supp. 795 (S.D. Fla. 1991).[4-5]  
*Alexander v. Riccino*, 481 N.W.2d 6 (Mich. App. 1991).[121]  
*Anthony v. Baker*, 955 F.2d 1395 (10th Cir. 1992).[155]  
*Arango v. Gates*, U.S. Dist. Ct., reported in *The New York Times*, National Edition p. A11 (April 1, 1992).[119-120]  
*Attallah v. U.S.*, 758 F. Supp. 81 (D. Puerto Rico 1991).[41-42]  
*Bagsby v. St. Louis Bd. of Police Com'rs.*, 783 F. Supp. 1214 (E.D. Mo. 1992).[131]  
*Barlow v. Ground*, 943 F.2d 1132 (9th Cir. 1991).[53-54]  
*Barrett v. Miller*, 599 So. 2d 559 (Miss. 1992).[171-172]  
*Beaver v. Gosney*, 825 S.W.2d 870 (Mo. App. 1992).[168-169]  
*Berliner v. Thompson*, 578 N.Y.S.2d 687 (A.D. 1992).[102-103]  
*Bills v. Aseltine*, 958 F.2d 697 (6th Cir. 1992).[142]  
*Blair v. Shanahan*, 775 F. Supp. 1315 (N.D. Cal. 1991).[56-57]  
*Borrero-Rentero v. Rivera*, 761 F. Supp. 5 (D. Puerto Rico 1991).[24-25]  
*Branch v. Tunnell*, 937 F.2d 1382 (9th Cir. 1991).[94]  
*Brown v. Harrington*, 575 N.Y.S.2d 622 (A.D. 1990).[42-43]  
*Byrd v. Manning*, 601 A.2d 770 (N.J. Super. A.D. 1992).[101]  
*Byrd v. N.Y. City Transit Authority*, 568 N.Y.S.2d 628 (A.D. 1991).[3]  
*C-1 By P-1 v. City of Horn Lake, Miss.*, 775 F. Supp. 940 (N.D. Miss. 1990).[59-60]  
*Caballero v. City of Concord*, 956 F.2d 204 (9th Cir. 1992).[116-117]  
*California Men's Colony, Unit II Men's Adv. Cncl v. Rowland*, 939 F.2d 854 (9th Cir. 1991), cert. granted, 112 S.Ct. 1261(1992).[84-85]  
*Campbell v. Lorenzo's Pizza Parlor, Inc.*, 567 N.Y.S.2d 832 (A.D. 1991).[27-28]  
*Cebula v. Bush*, 778 F. Supp. 567 (D.D.C. 1991).[108]  
*Charbonnet v. Lee*, 951 F.2d 638 (5th Cir. 1992).[90-91]  
*Collins v. City of Harker Heights, Tex.*, 112 S. Ct. 1061 (1992).[83-84]  
*Cooper v. City of New York*, 582 N.Y.S.2d 394 (A.D. 1992).[170]  
*Courson v. McMillian*, 939 F.2d 1479 (11th Cir. 1991).[92-93]  
*Cox v. County of Suffolk*, 780 F. Supp. 103 (E.D.N.Y. 1991).[103-104]  
*Crumpton v. Gates*, 947 F.2d 1418 (9th Cir. 1991).[57-58]  
*Cumow v. Ridgecrest Police*, 952 F.2d 321 (9th Cir. 1991).[87]  
*Daniels v. Terrell*, 783 F. Supp. 1211 (E.D. Mo. 1992).[148]  
*Davet v. Maccarone*, 775 F. Supp. 492 (D.R.I. 1991).[56]  
*Delaney v. Gerdon*, 785 F. Supp. 1128 (E.D.N.Y. 1992).[139]  
*Denton v. City of Fullerton*, 285 Cal. Rptr. 297 (Cal. App. 1991).[11]  
*Di Palma v. Phelan*, 578 N.Y.S.2d 948 (A.D. 1992).[123]  
*Dioguardi v. City of New Rochelle*, 578 N.Y.S.2d 660 (A.D. 1992).[86-87]  
*Domashewsky v. Sierociuk*, No. 84L-24504, Cook County Cir. Ct., Ill., Mar.26, 1991, 34 ATLA L. Rep. 336 (Nov. 1991).[8]  
*Donaldson v. City of Seattle*, 829 P.2d 1125 (Wash. App. 1992).[164-165]  
*Duckett v. City of Cedar Park, Texas*, 950 F.2d 272 (5th Cir. 1992).[119]  
*Eubanks v. Gerwens*, 771 F. Supp. 1216 (S.D. Fla. 1991).[37-38]  
*Evan v. Morales*, 775 F. Supp. 271 (N.D. Ill. 1991).[43-44]  
*Falco v. Town of Colonie*, 575 N.Y.S.2d 596 (A.D. 1991).[76-77]  
*Farrar v. Hobby*, 941 F.2d 1311 (5th Cir. 1991), cert. granted, 112 S. Ct. 1159 (1992).[85]  
*Fazzino v. Chiu*, 771 F. Supp. 518 (D. Conn. 1991).[70-71]  
*Fields v. Dailey*, 68 Ohio App. 3d 33, 587 N.E.2d 400 (1990).[120]  
*Figueroa v. N.Y. City Transit Auth.*, 579 N.Y.S.2d 831 (Sup. 1991).[157]  
*Fleck v. Caudill*, 582 N.E.2d 385 (Ind. App. 1991).[143]  
*Fleck v. Caudill*, 582 N.E.2d 385 (Ind. App. 1991).[67-68]  
*Floyd v. Laws*, 929 F.2d 1390 (9th Cir. 1991).[100]  
*Foley v. City of Lowell, Mass.*, 948 F.2d 10 (1st Cir. 1991).[58-59]

- Freeman v. Berg*, 482 N.W.2d 32 (S.D. 1992).[139-140]  
*Fuller v. M. G. Jewelry*, 950 F.2d 1437 (9th Cir. 1991).[109-110]  
*Golino v. City of New Haven*, 950 F.2d 864 (2nd Cir. 1991).[73]  
*Gottschalk v. City of Chicago*, U.S. Dist. Ct. N.D. Ill., reported in *Chicago Sun-Times*, p. 4 (May 8, 1992).[115]  
*Grant v. City of Twin Falls*, 813 P.2d 880 (Idaho 1991).[20-21]  
*Greene v. City of New York*, 583 N.Y.S.2d 766 (Sup. 1992).[170-171]  
*Groves v. United States*, 778 F. Supp. 54 (D.D.C. 1991).[75]  
*Hammer v. Gross*, 932 F.2d 842 (9th Cir.), cert. denied, *Newport Beach, Calif. v. Hammer*, 112 S. Ct. 582 (1991).[13-14]  
*Hammond v. Central Lane Communications Center*, 312 Or. 17, 816 P.2d 593 (1991).[109]  
*Hiers v. City of Barwick*, 414 S.E.2d 647 (Ga. 1992).[154]  
*Homestead, City of v. Suarez*, 591 So. 2d 1125 (Fla. App. 1992).[85-86]  
*Hopkins v. Andaya*, 958 F.2d 881 (9th Cir. 1992).[133-134]  
*Hudson v. McMillian*, 112 S. Ct. 995 (1992).[51]  
*Hunter v. Bryant*, 60 U.S.L.W. 3432 (U.S. Dec. 17, 1991).[19]  
*Husband v. Bryan*, 946 F.2d 27 (5th Cir. 1991).[46]  
*James v. City of Douglas, Ga.*, 941 F.2d 1539 (11th Cir. 1991).[3-4]  
*Jefferson County v. Sterk*, 830 S.W.2d 260 (Tex. App. 1992).[165]  
*Jenks v. Sullivan*, 813 P.2d 800 (Colo. App. 1991).[60-61]  
*Jenks v. Sullivan*, 826 P.2d 825 (Colo. 1992).[141-142]  
*Johnson v. Teal*, 769 F. Supp. 947 (E.D. Va. 1991).[10]  
*Jones v. City of Santa Monica*, Santa Monica Superior Court, Cal., reported in *Outlook Mail*, Santa Monica, Ca., Oct. 9, 1991.[3]  
*Jones v. Wilbur*, 604 A.2d 779 (R.I. 1992).[140-141]  
*Jordan v. Brantley*, 589 So. 2d 680 (Ala. 1991).[73-74]  
*Judge v. City of New York*, 785 F. Supp. 366 (S.D. N.Y. 1991).[152-153]  
*Justice v. City of Peacetrete City*, 961 F.2d 188 (11th Cir. 1992).[173-174]  
*Kilmetis v. N.Y. City Transit Auth.*, 580 N.Y.S.2d 779 (A.D. 1992).[156-157]  
*Klarfeld v. United States*, 944 F.2d 583 (9th Cir. 1991).[77-78]  
*Kreimer v. Bureau of Police for Town of Morristown*, 765 F. Supp. 181 (D.N.J. 1991).[26]  
*Land v. City of New York*, 575 N.Y.S.2d 690 (A.D. 1991).[59]  
*Langdon v. Wight*, 821 S.W.2d 508 (Mo. App. 1991).[88-89]  
*Larez v. City of Los Angeles*, 946 F.2d 630 (9th Cir. 1991).[35-36]  
*Leatherman v. Tarrant County Narcotics Intelligence*, 954 F.2d 1054 (5th Cir.), cert. granted, 112 S. Ct. 2989 (1992).[134-135]  
*Lewis v. Kendrick*, 940 F.2d 25 (1st Cir. 1991).[54]  
*Lincoln National Health & Cas. Ins. Co. v. Brown*, 782 F. Supp. 110 (M.D.Ga. 1992).[138]  
*Lindsey v. Storey*, 936 F.2d 554 (11th Cir. 1991).[89-90]  
*Lombardi v. City of Groton*, 26 Conn. App. 157, 599 A.2d 388 (1991).[143]  
*Lombardi v. City of Groton*, 26 Conn. App. 157, 599 A.2d 388 (1991).[68]  
*Loper v. N.Y. City Police Dept.*, 766 F. Supp. 1280 (S.D.N.Y. 1991).[57]  
*Lowe v. Aldridge*, 958 F.2d 1565 (11th Cir. 1992).[158-159]  
*Maag v. Wessler*, 944 F.2d 654 (9th Cir. 1991).[37]  
*Maag v. Wessler*, 960 F.2d 773 (9th Cir. 1992), superseding 944 F.2d 654 (9th Cir. 1991).[147]  
*Mensch v. Dyer*, 956 F.2d 36 (4th Cir. 1992).[147-148]  
*Mack v. City of Monroe*, 595 So. 2d 353 (La. App. 1992).[131-132]  
*Mahoney v. Kesery*, 770 F. Supp. 472 (E.D. Wis. 1991).[38-39]  
*Martin v. Swift*, 781 F. Supp. 1250 (E.D.Mich. 1992).[125-126]  
*May v. City of Southfield, Mich. Wayne County Cir. Ct.*, Nos. 90-010334-NO, 90-010338-NO, Nov. 20, 1991, reported in 35 ATLA L. Rep. 174 (June 1992).[122]  
*McCormack v. City of New York*, 568 N.Y.S.2d 747 (A.D. 1991).[25-26]  
*McCray v. Holt*, 777 F. Supp. 945 (S.D. Fla. 1991).[70]  
*McCummings v. N.Y.C. Transit Authority*, 580 N.Y.S.2d 931 (A.D. 1992).[133]  
*McDaniel v. City of Seattle*, 828 P.2d 81 (Wash. App. 1992).[132-133]  
*McElreath v. Progressive Insurance Co.*, 595 So. 2d 693 (La. App. 1992).[136-137]  
*McGovern v. City of Minneapolis*, 480 N.W.2d 121 (Minn. App. 1992).[124-125]  
*McLaren v. Imperial Casualty and Indemnity Company*, 767 F. Supp. 1364 (N.D. Tex. 1991).[26-27]  
*McPherson v. Michigan Mut. Ins. Co.*, 412 S.E.2d 445 (S.C. App. 1991).[72]  
*Mease v. Pennsylvania State Police*, 603 A.2d 679 (Pa. Cmwlth. 1992).[121-122]  
*Medina v. City and County of Denver*, 960 F.2d 1493 (10th Cir. 1992).[166-167]  
*Meridian International Logistics, Inc. v. United States*, 939 F.2d 740 (9th Cir. 1991).[21-22]  
*Mireles v. Waco*, 112 S. Ct. 286 (1991).[19-20]  
*Mody v. City of Hoboken*, 959 F.2d 461 (3rd Cir. 1992).[156]  
*Molozof v. U.S.*, 112 S. Ct. 711 (1992).[83]  
*Mon v. City of New York*, 78 N.Y.2d 309, 579 N.E.2d 689, 574 N.Y.S.2d 529 (1991).[42]  
*Monceaux v. Jennings Rice Drier, Inc.*, 590 So. 2d 672 (La. App. 1991).[91-92]  
*Moore v. Suffolk County Police Dept.*, 579 N.Y.S.2d 575 (Sup. 1991).[105]  
*Moos v. Norton*, 789 F. Supp. 352 (D.Kan. 1992).[168]  
*Morgan v. City of Marmaduke, Ark.*, 958 F.2d 207 (8th Cir. 1992).[135-136]  
*Moses v. City of Chicago*, reported in *Chicago Sun-Times*, p. 11 (July 28, 1992).[167]  
*Munizza v. City of Chicago*, 583 N.E.2d 561 (Ill. App. 1991).[74]  
*Navarro v. Barthel*, 952 F.2d 331 (9th Cir. 1991).[93-94]  
*Nicoletti v. City of Waco*, 947 F.2d 190 (5th Cir. 1991).[55]  
*Nydum v. Lennerton*, 948 F.2d 808 (1st Cir. 1991).[67]  
*Olguin v. City of Burley*, 810 P.2d 255 (Idaho 1991).[12]  
*Ostoin v. Waterford Township Police Department*, 471 N.W.2d 666 (Mich. App. 1991).[10-11]  
*Parrish v. Luckie*, 963 F.2d 201 (8th Cir. 1992).[172-173]  
*Perkins v. City of Philadelphia*, 766 F. Supp. 313 (E.D. Pa. 1991).[28-29]  
*Perreault v. Thornton*, 781 F. Supp. 873 (D.R.I. 1991).[117-118]  
*Persilver v. Louisiana Dept. of Transportation*, 592 So. 2d 1344 (La. App. 1991).[108-109]  
*Pirez v. Brescher*, 584 So. 2d 993 (Fla. 1991).[54-55]  
*Pietan v. Gaines*, 481 N.W.2d 566 (Minn. 1992).[154]  
*Ponzi v. City of Youngstown, Ohio*, Mahoning County Court of Common Pleas, No. 87 CV 1413, Nov. 21, 1990, 34 ATLA L. Rep. 247 (Sept. 1991).[27]  
*Proper v. District of Columbia*, 948 F.2d 1327 (D.C. Cir. 1991).[75-76]  
*Quezada v. County of Bernalillo*, 944 F.2d 710 (10th Cir. 1991).[39-40]  
*Ramos v. Doesn't Matter Realty Corp.*, 579 N.Y.S.2d 541 (Sup. 1991).[107]  
*Rhodes v. McDannel*, 945 F.2d 117 (6th Cir. 1991).[40]  
*Rodriguez v. Furtado*, 771 F. Supp. 1245 (D. Mass. 1991).[44-45]  
*Rodrigues v. Furtado*, 950 F.2d 805 (1st Cir. 1991).[77]  
*Romberg v. Nichols*, 953 F.2d 1152 (9th Cir. 1992).[99-100]  
*Romero v. Kitsap County*, 931 F.2d 624 (9th Cir. 1991).[23]  
*Roy v. City of Everett*, 823 P.2d 1084 (Wash. 1992).[101-102]  
*Rucker v. Harford County, Md.*, 946 F.2d 278 (4th Cir. 1991).[71-72]  
*Rufo v. Inmates of Suffolk County Jail*, 112 S. Ct. 748 (1992).[51-52]  
*Ruggiero v. Krzeminski*, 928 F.2d 558 (2nd Cir. 1991).[12-13]  
*Russell v. City of Columbia*, 406 S.E.2d 338 (S.C. 1991).[29]  
*Russo v. City of Cincinnati*, 953 F.2d 1036 (6th Cir. 1992).[148-150]  
*S & S Pawn Shop Incorporated v. City of Del City*, 947 F.2d 432 (10th Cir. 1991).[61-62]  
*Santana v. City of New York*, 584 N.Y.S.2d 53 (A.D. 1992).[163]  
*Santiago v. NYS Dept. of Correctional Services*, 945 F.2d 25 (2nd Cir. 1991).[115-116]  
*Sawyer v. Humphries*, 322 Md. 247, 587 A.2d 467 (Md. 1991).[8-9]  
*Scott v. City of Biloxi*, 592 So. 2d 1003 (Miss. 1991).[137-138]  
*Sergio v. Doe*, 769 F. Supp. 164 (E.D. Pa. 1991).[7-8]  
*Sheimo v. Bengston*, 825 P.2d 343 (Wash. App. 1992).[151-152]  
*Sheriff of Orange County v. Boulbee*, 595 So. 2d 985 (Fla. App. 1992).[163-164]  
*Shoult v. Iwan*, U.S. Dist. Ct., D.N.D., No. AZ-91-197, May 14, 1992, reported in 35 ATLA L. Rep. 256 (Sept. 1992).[163]  
*Sledd v. Lindsay*, 780 F. Supp. 554 (N.D.Ill. 1991).[165-166]  
*Smith v. City of Chicago Heights*, 951 F.2d 834 (7th Cir. 1992).[69-70]  
*Smith v. Freland*, 954 F.2d 343 (6th Cir. 1992).[104-105]  
*Soldal v. County of Cook*, 942 F.2d 1073 (7th Cir. 1991).[29-30]  
*Soler v. McHenry*, 771 F. Supp. 252 (N.D. Ill. 1991).[60]  
*Sprattin v. Montgomery County, Md.*, 772 F. Supp. 1545 (D.Md. 1990).[37]  
*State v. Powell*, 586 So. 2d 1180 (Fla. App. 1991).[44]  
*State v. Will*, 807 P.2d 467 (Alaska 1991).[23-24]  
*Stile v. City of New York*, 569 N.Y.S.2d 129 (A.D. 1991).[41]  
*Stone v. Agnos*, 960 F.2d 893 (9th Cir. 1992).[152]

*Street v. Parham*, 929 F.2d 537 (10th Cir. 1991). [68-69]

*Stuart v. Town of Brookline*,

412 Mass. 251, 587 N.E.2d 1384 (1992). [155-156]

*Stump v. Gates*, 777 F. Supp. 808 (D. Colo. 1991). [106-107]

*Sullivan County, Tennessee v. Home Indemnity Co.*,

925 F.2d 152 (6th Cir. 1991). [87-88]

*Swann v. City of Goldsboro*, U.S. Dist. Ct., E.D.N.C., No. 90-59-CIV-5-

D, Apr. 2, 1991, 34 ATLA L. Rep. 376 (Dec. 1991). [6-7, 126]

*Tice v. Cramer*, 604 A.2d 183 (N.J. Super. A.D. 1992). [137]

*Timberlake v. Benton*, 786 F. Supp. 676 (M.D. Tenn. 1992). [174-175]

*Turner v. State*, 284 Cal. Rptr. 349 (Cal. App. 1991). [61]

*Valpariso, City of, v. Edgcomb*, 587 N.E.2d 96 (Ind. 1992). [122-123]

*Veillon v. U.S. Fire Insurance*, 590 So. 2d 1368 (La. App. 1991). [88]

*Villa v. Cole*, 6 Cal. Rptr. 644 (Cal. App. 1992). [140]

*Wakarusa, City of, v. Holdeman*, 582 N.E.2d 802 (Ind. 1991). [106]

*Ward v. City of San Jose*, 948 F.2d 1097 (9th Cir. 1991). [150-151]

*Waybenais v. U.S.*, 769 F. Supp. 306 (D. Minn. 1991). [5]

*Wedemeier v. City of Ballwin, Mo.*, 931 F.2d 24 (8th Cir. 1991). [40]

*Wegner v. Milwaukee Mut. Ins. Co.*, 479 N.W.2d 38 (Minn. 1991). [125]

*Weiner v. Schraeder*, 952 F.2d 336 (10th Cir. 1991). [91]

*Wells v. Smith*, 778 F. Supp. 7 (D. Md. 1991). [86]

*Wickes v. Maryland State Police*, Md. Kent County Cir. Ct., No. 1649-L

Oct. 29, 1991, in 35 ATLA L. Rep. 177 (June 1992). [118-119]

*Wilde v. Gilland*, 473 N.W.2d 718 (Mich. App. 1991). [9-10]

*Williams v. Adams*, 780 F. Supp. 635 (E.D. Mo. 1991). [99]

*Williams v. City of Albany*, 936 F.2d 1256 (11th Cir. 1991). [22-23]

*Williams v. Divittoria*, 777 F. Supp. 1332 (E.D. La. 1991). [103]

*Williamson v. City of Virginia Beach, Va.*,

786 F. Supp. 1238 (E.D. Va. 1992). [167-158]

*Winkel v. Reserve Officer of City of Beloit, Kan.*,

773 F. Supp. 1487 (D. Kan. 1991). [45]

*Woodall v. City of Miami Beach*, 599 So. 2d 231 (Fla. App. 1992). [169]

*Yates v. City of Cleveland*, 941 F.2d 444 (6th Cir. 1991). [5-6]

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